

Application No.: 09/476,877

Docket No.: 21736-00010-US

REMARKS

This supplemental amendment is being filed to correct a deficiency in the Amendment Accompanying Request for Continued Examination filed on December 2, 2004. The RCE and an accompanying amendment and request for a three month extension of time was filed in response to a final rejection of June 2, 2004. Applicant has received a Notice of Non-Compliant Amendment dated December 9, 2004. The Notice indicated that the amendment failed to mention claims 1-86 and for that reason the amendment was non-compliant. This supplemental amendment adds a single line to the subject matter of the Dec. 2 amendment. That single line recites: "Claims 1-86 (Cancelled)." Applicant submits that the non-compliance has been corrected in this Supplemental Amendment. Applicant submits that the non-compliance of the amendment of Dec. 2, 2004 does not affect the status of the application. The request for an RCE is adequate to maintain the pendency of the application so long as the submission is a bona fide attempt to respond to the action, MPEP §707.07(h) VI. There is no suggestion that the submission was not a bona fide attempt to respond. Indeed the §707.07(h) VI *requires* the provision of a new shortened statutory period to allow the correction.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: December 20, 2004

Respectfully submitted,

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